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June 8, 2005

Division of Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane
Room 1061
Rockville, MD 20852

RE: Request for Extension of Comment Periods

Docket No. 2004N-0463 Food Labeling; Prominence of Calories;
Docket No. 2004N-0456 Food Labeling: Serving Sizes of Products
that can reasonably be consumed at one eating occasion; updating of
reference amounts customarily consumed; approaches for
recommending smaller portion sizes (70 FR 17008 & 17010)

Dear Sir or Madam:

The Food Products Association (FPA) requests an extension of the comment period on the above referenced Advanced Notices of Proposed Rulemaking (ANPRM) for 60 days to August 20, 2005, or until such time as the 2001-2002 National Health and Nutrition Examination (NHANES) summary tables and final reports of FDA consumer research contained in its *Calories Count* report are available.

The Food Products Association (FPA) is the largest trade association serving the food and beverage industry in the United States and worldwide. FPA's laboratory centers, scientists and professional staff provide technical and regulatory assistance to member companies and represent the food industry on scientific and public policy issues involving food safety, food security, nutrition, consumer affairs and international trade.

FPA requests that the Agency allow sufficient time to explore data necessary to respond to the questions in the above ANPRMs. The Agency has relied closely on 2001-2002 NHANES data to prepare the ANPRMs. However, any summary information about the most current food consumption patterns of Americans is not yet available to the public or other stakeholders. This information is critical to make an informed response to the ANPRM questions about calories and serving size, but the 2001-2002 NHANES summary tables on food consumption patterns and nutrient intakes have just been released for formal review and clearance.

FDA Docket Nos. 2004N-0463 and 2004N-0456
June 8, 2005
Page 2

Additionally, since consumers widely recognize and use the Nutrition Facts panel on food and beverage products to make purchase decisions, it is imperative that consumer understanding of, use of, and performance with food label information achieves desired goals. While some preliminary information from FDA consumer research about consumer use of nutrition labeling was included in its *Calories Count* report (Appendix G), final reports of such research have not been made publicly available. These final reports also are important in making informed response to the ANPRM questions.

Therefore, for the critical information needs of public and food industry stakeholders to respond to FDA's questions, FPA respectfully requests an extension of the comment period for the calorie and serving size ANPRMs to August 20, 2005, or until such time as the NHANES summary tables and final reports of FDA research are available.

Thank you for your consideration of this important issue for both consumers and the food industry.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Earl". The signature is fluid and cursive, with the first name "Robert" and last name "Earl" clearly distinguishable.

Robert Earl, MPH, RD
Senior Director for Nutrition Policy